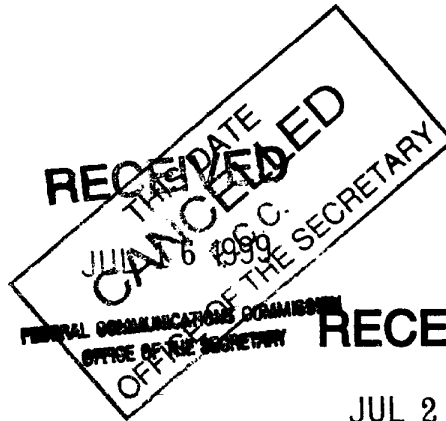




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July 21, 1999

Magalie Salas
Office of the Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554



NATIONAL
ASSOCIATION OF
INDEPENDENT
SCHOOLS

1620 L STREET, NW
WASHINGTON, D.C. 20036-5605
TELEPHONE (202) 973-9700
FAX (202) 973-9790

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JUL 21 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 96-45, Comment on Letter Filed by Department of
Commerce Regarding Schools and Libraries Universal Service
Support Mechanism, Public Notice, DA 99-1212

Dear Ms. Salas:

Attached is the original, plus four copies, of NAIS' Comments in the above
captioned proceeding. We have also provided Sheryl Todd in the Accounting
Policy Division, with three copies; a copy has been provided on diskette in
Word '97 for Windows format to ITS.

Sincerely,

Jefferson G. Burnett
Director of Government Relations

No. of Copies rec'd 04
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED

JUL 21 1999

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In the Matter of)

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Federal-State Joint Board on)
Universal Service)
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket 96-45

(Comment on Letter Filed by Department of
Commerce Regarding Schools and
Libraries Universal Service Support
Mechanism, Public Notice, DA 99-1212)

COMMENTS OF THE
NATIONAL ASSOCIATION OF INDEPENDENT SCHOOLS

July 22, 1999

The National Association of Independent Schools¹ (NAIS) submits these Comments in response to the Commission's Public Notice requesting comments on the April 7, 1999, letter of the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, regarding the schools and libraries universal support mechanism. The letter addressed the issue of whether universal support provided to eligible schools and libraries for Internet access and internal connections should be conditioned on the agreement by such participants to adopt a policy regarding Internet usage by children. NAIS views the NTIA proposal as an unwelcomed challenge to local decision making and urges the Commission to oppose its adoption.

1. While we believe that school children should be protected from inappropriate material on the Internet, how this is accomplished can only be determined by schools and libraries—and not by the federal government.

NAIS applauds Mr. Irving's recognition that schools and libraries are already "using a wide range of technology tools and monitoring techniques" and that these institutions are "determining what will work best in their particular school and community." In fact, we are pleased that he *encourages* acceptable use policies by schools and libraries—which clearly connotes a constructive and *voluntary* response. However, to *require* (and therefore to enforce) the implementation of these policies as a condition for receipt of E-rate funds would inject the Commission into the administrative and educational affairs of both public and private schools and libraries. As a matter of principle, it is a trespass that is unnecessary and unwarranted. An individual school is best equipped to address the issue of its children's access to online materials in a way that is consonant with the school's mission and philosophy.

2. Most schools have already implemented mechanisms to ensure that their children's Internet access is properly guided.

No matter which mechanism is used, whether it be part of the teaching and learning process, the inclusion of appropriate/ethical use policies or enforceable language in parent/student enrollment contracts, or even filters, the choice is based upon the unique factors of each school—including the children's age and curriculum. And, it is a decision that lies with the institution, not the federal government.

¹ NAIS is a voluntary membership organization of over 1,100 private, independent, elementary and secondary schools and associations in the U.S. and abroad. It represents approximately 456,000 students, 60,400 teachers and instruction support staff, and 10,200 administrators.

July 22, 1999

3. The Commission, should *encourage*, but not require, schools and libraries receiving E-rate funds to adopt a method(s) to address the issue of children's access to inappropriate material on the Internet.

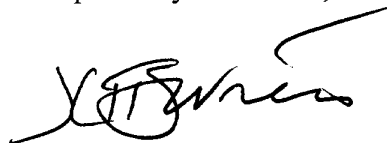
Rather than prescribe a course of action as proposed by NTIA, the Commission might consider a more proactive and constructive approach to this issue by *encouraging* schools and libraries to implement Internet policies and procedures and by providing (through the Department of Education) informational resources on available options. Given that E-rate Year 2 Funding Commitment Decision Letters are already being distributed, NAIS believes that this suggestion (as outlined in Item 3) would best be adopted beginning in Year 3.

Conclusion

NAIS has been involved with the E-rate program since its inception and remains a steadfast supporter of this vitally important initiative that benefits public and private schools and libraries. We believe that universal service support for eligible institutions on telecommunications services, Internet access, and internal connections is not just sound public policy, but forward thinking educational policy. However, NAIS does not believe that it is appropriate for the Commission to substitute its judgement for that of local schools and libraries on educational content issues related to the E-rate.

Thank you for the opportunity to comment on the NTIA proposal.

Respectfully submitted,



Jefferson G. Burnett
Director of Government Relations
National Association of Independent Schools
1620 L St., NW, Suite 1100
Washington, DC 20036